

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 09-0621 WHA

v.

JORGE ARMANDO RODRIGUEZ,

Defendant.

**ORDER DENYING MOTION TO
CORRECT SENTENCE
PURSUANT TO RULE 35(a)**

Defendant Jorge Armando Rodriguez pleaded guilty to illegal reentry after deportation. He now moves pursuant to Federal Rule of Criminal Procedure 35(a) to correct an alleged error in his sentence.

Rule 35(a) provides that within 14 days after sentencing, the Court may correct a sentence that resulted from arithmetical, technical, or other clear error. Defendant Rodriguez was sentenced on November 17, 2009. His Rule 35(a) motion is therefore untimely.

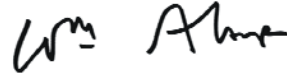
Moreover, he fails to identify any error in the calculation of his sentence. In his motion, he asserts that the calculation of credited jail time contained an error based on his incorrect assertion that he was released from state custody into federal custody on May 22, 2009. In fact, he committed his offense on May 22 but was not turned over to federal custody until June 5,

2009 (Rodriguez Decl. Exh B).

For these reasons, his motion is **DENIED**.

IT IS SO ORDERED.

Dated: April 19, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE